

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ALICE KRAMER, as Personal Representative  
of the Estate of Arthur Kramer,  
  
Plaintiff,  
  
—against—  
  
LOCKWOOD PENSION SERVICES, INC.,  
ET AL.,  
  
Defendants.  

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PHOENIX LIFE INSURANCE CO.,  
  
Third-Party  
Plaintiff,  
  
—against—  
  
STEVEN LOCKWOOD,  
  
Third-Party  
Defendant.  

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LIFE PRODUCT CLEARING LLC,  
  
Third-Party  
Plaintiff,  
  
—against—  
  
LIZA KRAMER and ANDREW B. KRAMER,  
  
Third-Party  
Defendants.

## NOTICE OF MOTION

PLEASE TAKE NOTICE that, based upon the accompanying memorandum of law, Defendant, Lincoln Life & Annuity Company of New York (“Lincoln”) will move this Court before the Honorable Deborah A. Batts, at the Courthouse for the Southern District of New York, for an Order, pursuant to the doctrines of abstention and *forum non conveniens*, and

Federal Rule of Civil Procedure 12(b)(6), dismissing Defendant Life Product Clearing, LLC's Cross-Claims asserted against Lincoln with prejudice.

Dated: New York, New York  
August 1, 2008

DRINKER BIDDLE & REATH LLP

/s/ Katherine L. Villanueva  
Katherine L. Villanueva (KH 5283)  
140 Broadway, 39<sup>th</sup> Floor  
New York, NY 10005  
(212) 248-3140

OF COUNSEL  
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One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103-6996

For Defendant Lincoln Life & Annuity Co.  
of New York

**CERTIFICATE OF SERVICE**

I, Katherine L. Villanueva, hereby certify that on the date set forth below, I electronically filed the Notice of Motion, using the CM/ECF system, which will send notification of such filings to CM/ECF participants.

I also hereby certify that on the date set forth below, I submitted a courtesy copy of the aforementioned, marked as a courtesy copy, by overnight Federal Express to the following:

The Honorable Deborah A. Batts, USDJ  
United States Courthouse  
500 Pearl St., Room 2510  
New York, NY 10007  
(two copies)

/s/ Katherine L. Villanueva  
Katherine L. Villanueva (KH 5283)  
Drinker Biddle & Reath LLP  
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New York, NY 10005  
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Dated: August 1, 2008